United Nations A/59/PV.64

General Assembly
Fifty-ninth session

Official Records

64th plenary meeting
Wednesday, 1 December 2004, 10 a.m.
New York

President: Mr. Ping ..... (Gabon)

In the absence of the President, Mr. Musambachime (Zambia), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 36 (*continued*)

The situation in the Middle East

Reports of the Secretary-General (A/59/431 and A/59/574)

Draft resolutions (A/59/L.39 and A/59/L.40)

Mr. Ballah (Sudan) (*spoke in Arabic*): My delegation would like to extend its thanks to the Secretary-General of the United Nations for his report on item 36, the situation in the Middle East.

My delegation attaches prime importance to the evolution of the situation in the Middle East, which has direct effects on international peace and security, not to mention its regional repercussions. Israel's continued defiance — reflected in its violations of international legitimacy on the pretext of protecting its national security and ensuring the safety of its settlers and in its blatant defiance of the will of the international community — obstructs efforts to reach a peaceful settlement in the Middle East in conformity with Security Council resolutions 242 (1967) and 338 (1973). Those resolutions stipulate that Israel must withdraw completely from Arab territories occupied on 4 June 1967, including the Syrian Golan, and the Lebanese Shab'a farms.

The Sudan welcomes the advisory opinion of the International Court of Justice, which declares the building of the separation wall to be null and void. It declares the racist wall to be a further manifestation of the oppression and State terror still exercised by Israel against the Palestinians, not to mention that the wall divides the Palestinian territories into separate, unconnected cantons. In that regard, we call upon the occupying Power to comply with the Court's advisory opinion and pay compensation for damages resulting from the construction of the wall.

The United Nations, which recognized the State of Israel, has a responsibility to urge Israel to abide by resolutions of international legitimacy and to cease forthwith the practice of State terror against the defenceless Palestinian people, using all the destructive war machinery available to it. Israel's behaviour violates the very spirit of the United Nations Charter and international humanitarian law, particularly the Geneva Conventions. We cannot fail to recall that Israel continues to engage in all forms of killing, torturing and intimidation of Palestinians, and in the destruction of their infrastructure and their economy. The Sudan also warns against calculated attempts to confuse terrorism with the legitimate right of peoples to achieve freedom, dignity, independence and self-determination.

The Sudan pays tribute to the civilized manner in which the Palestinian people have dealt with the

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transition of authority, which will be completed through the forthcoming free elections. We call upon Israel to do nothing to obstruct the various stages of the electoral process in the Gaza Strip, the West Bank and Jerusalem.

Israel's decision to withdraw from the Gaza Strip — which we hope will be coordinated with the Palestinian Authority in such a way as not to leave a political or security vacuum — should be viewed as part of the road map and should be followed by complete withdrawal from the entire occupied Palestinian territory, in accordance with international resolutions and the principle of land for peace. At the same time, this is a test of Israel's credibility at a new stage when the Arab-Israeli conflict is characterized by political movement.

We hope that these developments will lead to a new era in which Israel will withdraw completely from the Palestinian territory, the Syrian Golan, and southern Lebanon. We also hope that a final, comprehensive and just peace will prevail in that area.

Mrs. Asmady (Indonesia): Let me first express the appreciation of my delegation to the Secretary-General for his reports on the situation in the Middle East over the past year (A/59/431 and A/59/574).

My delegation takes note of the Secretary-General, following the adoption of General Assembly resolution 58/21 of 3 December 2003, having contacted all parties to the conflict regarding steps taken by them to implement the relevant provisions of the resolution. Unfortunately, as it had in the past, Israel responded to the Secretary-General's contact by dismissing the enabling resolution as unbalanced and undue interference in the matter, and as "counterproductive to the very spirit of peace" (*A/59/574, para. 4*).

Furthermore, we express great concern at the acquisition of nuclear capability by Israel, which poses a serious and continued threat to the security of neighbouring and other States. Therefore, we reaffirm the need for the speedy establishment of a nuclear-weapon-free zone in the Middle East and call upon all parties concerned to take urgent steps towards the fulfilment of that need. In this regard, we demand that Israel, the only country in the region that has not joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) or declared its intention to do so, renounce the possession of nuclear weapons and to place all its nuclear facilities under International Atomic Energy Agency safeguards.

We find it difficult to comprehend a situation where a State that claims to be interested in peace would insist on the imposition of its rules on all the other parties as a precondition for peace. That is what Israel has continued to do, using its military might. Israel's high-handed approach, linked to its militarism, has seen nearly a million Palestinians affected by its construction of the separation wall, and Palestinians isolated from one another. Israel's insistence on playing by its own rules has resulted in a tremendous worsening in economic and humanitarian affairs in the West Bank and Gaza, and it reflects general disrespect for international humanitarian and human rights law.

The Secretary-General observes correctly that, as a result of this, the peace process in the Middle East has stalled. He also points out that "The rising number of deaths and injuries is evidence of the lack of progress in advancing the peace process over the last year" (*A/59/574, para. 6*). The truth is that progress is impossible in any endeavour if individual entities are playing by different rules. It is in the interest of peace, and in Israel's interest, that the relevant resolutions of the United Nations apply to everyone.

Israel cannot continue with the construction of the wall and other activities of serious concern, such as Israeli military raids, assassinations, closures, curfews and blockades, and expect Palestinians to believe that there is indeed a peace process under way. Israel must comply with the Geneva Conventions and, in addition to halting the construction of the wall, comply with its obligations to protect civilians.

On the issue of the Syrian Golan, we would like to reaffirm the absolute need for Israel to end its occupation, as stipulated in General Assembly resolution 58/23, entitled "The Syrian Golan," and in other relevant Security Council resolutions. Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without any validity whatsoever.

Similarly, we call on Israel to terminate its illegal activities and violations of the territorial integrity and sovereignty of Lebanon; and we call on the Security Council to assume its responsibility towards ending that longstanding conflict.

We would also like to reaffirm General Assembly resolution 58/22 entitled, "Jerusalem", which calls upon the international community to exert pressure on Israel to end its occupation of the Arab territories occupied by it since 1967, including Jerusalem.

In addition, Security Council resolution 478 (1980) did not recognize the enactment by Israel of the "basic law" on Jerusalem and affirmed that Israel's decision to impose its laws, jurisdiction and administration on Al-Quds Al-Sharif was illegal and consequently null and void.

Having said that, it is reassuring that during this period, the Security Council has continued to regard the situation in the Middle East as one of the most important items on its agenda, devoting a variety of briefings to the subject, as well as holding five open meetings and regular informal consultations. It is also a matter of record that the Council has adopted two resolutions on the issue. In resolution 1515 (2003) of 19 November 2003, the Council endorsed the road map and called on the parties to fulfil their obligations under it. Similarly, on 19 May 2004, the Council adopted resolution 1544 (2004), in which it called on Israel to respect its obligations under international humanitarian law.

While that is reassuring, we feel that there is need for the Council to do more than adopt resolutions and then watch them being flouted. Resolutions adopted by that body under its mandate to maintain international peace and security are not worth the paper upon which they are printed unless they are implemented. It is the responsibility of the Council to ensure that those resolutions are implemented. It is impossible to imagine peace in the Middle East without a just solution to the Palestinian issue, just as it is impossible to imagine any progress on the road to peace without full implementation of the relevant resolutions.

Turning to Iraq, my delegation would like to stress the importance of halting the violence and addressing the lack of security as a matter of priority. The importance of those tasks cannot be overemphasized — particularly with the approach of the elections scheduled for January 2005 and the need to create conditions conducive to holding them. With regard to that process, Indonesia calls on the international community to recognize and respect the Iraqi people's right to independence and territorial integrity. The holding of free, fair and orderly elections is of the utmost importance to the future of that great country.

Peace in the Middle East is within reach. However, Indonesia believes that a just and comprehensive peace in the Middle East cannot be achieved without a just and comprehensive settlement of the issue of Palestine, which is the key to peace in the area. In that regard, there is no need for a new peace plan, but rather there is need of the opportunity to implement the existing one — the road map. The objective of the road map, which is to have two independent States living side by side within internationally recognized borders, is valid and achievable. We call on all the parties to approach the achieving of that objective with a sense of realism; otherwise, the concept of peace in the Middle East will remain only a concept.

Before I conclude, permit me also to take this opportunity to call upon the international community to support the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East by helping to eliminate the obstacles to its work.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): The General Assembly will very shortly be concluding its debate on the situation in the Middle East, at the heart of which lies the question of Palestine. In taking the floor in that debate, my delegation first of all would like to associate itself with the unanimous tribute that was paid a few weeks ago to the memory of the President of the Palestinian Authority, Yasser Arafat for four decades symbolized, embodied and bore the legitimate aspirations of the Palestinian people.

My delegation would like to note and welcome the level-headedness and moderation demonstrated by the speakers who have taken the floor during this debate. That is a sign of our times. We would like to see in that an expression of the will of the parties and the international community to create conditions for a peaceful settlement of the situation in the Middle East.

Cameroon would like to recall that a peaceful settlement is predicated upon a dual recognition: the recognition of the right of Israel to exist within safe and internationally recognized borders and the recognition of the right of the Palestinians to the creation of an independent and sovereign State side by side with the State of Israel.

That right was reaffirmed the day before yesterday during commemoration of the International Day of Solidarity with the Palestinian People — a day organized by the Committee for the Exercise of the Inalienable Rights of the Palestinian People, which is happily being chaired by my friend and colleague, Ambassador Paul Badji, from Senegal. It is my pleasure to hail and to praise the skill and dedication with which he has been discharging his most responsible and sensitive mission.

My delegation, finally, would like to thank all of those who have been toiling patiently and doggedly to restore peace to Palestine, the land of peace. Our thoughts are particularly with those who, through their words and deeds, are helping to create a culture of peace among and around the Israelis and Palestinians. Despite the numerous setbacks which, up until now, have studded the road leading to peace and despite that violence and injustice for which the Middle East seems to be a magnet, the international community must continue to affirm forcefully that peace is possible in the Middle East. Everything here depends on the Israelis and the Palestinians, and everything depends on their leaders.

Cameroon reiterates today, as it has always said, that peace cannot be taken for granted. Peace is created and is built, first and foremost in the hearts of men and in their relationships to each other. Creating peace means working together to build a society of justice and fraternity.

Peace is possible in the Middle East if the inhabitants of Palestine, that is the Israelis and the Palestinians, take a decision to be the creators, the crafters and the builders of that peace. How could things be otherwise for two brotherly peoples condemned by the very ethical logic of brotherhood to live together according to the theory of positive differences. Why cannot the inhabitants of Palestine, why cannot Israelis and Palestinians create that peace and be its craftsmen? Why can they not reflect in deeds that peace to which they are so deeply devoted, that peace that they designate using the same phonemes, "shalom" and "salaam", which for them has the meaning of harmony? Harmony with self and with others, and harmony with nature. "Shalom/salaam" also has the meaning of absolute happiness, of fulfilment, of harmony in a brotherly existence and mutual confidence.

Peace is possible if Israelis and Palestinians decide, as faithful adherents to that doublet, "shalom/salaam", to live together and to build their future together. To do so, they must on the one hand, learn again to trust each other in mutual recognition and acceptance, and on the other hand to be committed to a patient and constructive dialogue.

Peace is possible if leaders show even more courage and a farsighted sense of history, if, to cite Francois Mauriac,

> "they decide to be of that race of statesmen who can analyse a given political situation and act on it, without losing sight of the broad guidelines required, and without failing to meet any of the demands imposed by the honour of the country or its security;"

and I would add, in this case, by its birth and its survival. It is with such leaders that the peoples of the Middle East will break the shackles of the past, will cast off their anchors, will unfurl the sails of their destiny to open themselves to the winds of peace and chart a course towards the future.

As Pope John Paul II hoped to see, courageous men are needed who can agree to look at each other and to listen to each other. Only such people will be able to find the appropriate instruments to build societies in which each person is indispensable to all others and which diversity is recognized as a boon.

Peace is not written in letters of blood, but rather with intelligence and with the heart. The various resolutions which have been voted on the Middle East and the various peace plans drawn up have perhaps not fully borne fruit because precisely what was missing was that spiritual element, those elements which are essential for a culture and position of peace, as is so properly summed up by the encyclical message of Pope John Paul II for the celebration of the World Day for Peace:

> "In the end, peace is not essentially about structures but about people. Certain structure and mechanisms of peace — juridical, political, economic — are of course necessary and do exist, but they have been derived from nothing other than the accumulated wisdom and experience of innumerable gestures of peace made by men and women throughout history who have kept hope and have not given in to discouragement.

> Gestures of peace spring from the lives of people who foster peace first of all in their own hearts. They are the work of the heart and of reason in those who are peacemakers."

Let us all be peacemakers, by promoting a consensus in the Middle East, by creating around the Israelis and the Palestinians a genuine culture of peace. Otherwise, differences will continue and the roads towards peace will remain long and arduous. That, in any, case, is the firm conviction of Cameroon and that is the origin of its positions on the various resolutions on the Middle East.

Mr. Mabhongo (South Africa): On behalf of the Government and the people of South Africa, we wish to express our deep sorrow and heartfelt sympathy to the people of Palestine on the recent passing of Mr. Yasser Arafat, the late President of the Palestinian Authority and the Chairman of the Palestinian Liberation Organization. We also wish to convey our condolences to his wife and daughter during this time of grief.

Allow me to repeat a message expressed by President Thabo Mbeki on the passing away of President Arafat. He said:

> "A great son of Palestine will be laid to rest in Ramallah, a titan of the Palestinian struggle for self-determination is no more. A giant tree has fallen. His life almost seems like a biography of the people of Palestine, covering five and a half decades of hope, despair and perseverance. To the Palestinian people he was a beacon of hope in their long struggle for self-determination and independence".

Even during this time of mourning, the Palestinian people have experienced many deaths as a result of the indiscriminate and excessive use of force by Israel, the occupying Power. The destruction of property, economic strangulation and increasing levels of unemployment have become divisive. All these are contrary to Israel's obligations under international human rights law, as well as international humanitarian law.

We therefore call on the international community to prevail upon Israel to respect its obligations. We have a collective duty to stop all the atrocities and the abhorrent policies and practices being committed against the people of Palestine.

We thank the Secretary-General for his comprehensive report on agenda item 36, entitled "The situation in the Middle East" (A/59/431), issued pursuant to resolutions 58/22 and 58/23 of 3 December 2003.

This year is yet another in which our Organization takes on one of the most important and long outstanding issue on its agenda. Sadly, though, we have witnessed the unfortunate course of events in the Security Council in which the Council failed three consecutive times to adopt resolutions on important issues regarding Palestinian territory.

We wish equally to reaffirm the permanent responsibility of the United Nations with regard to the question of Palestine until it is resolved in all its aspects. We believe that a peaceful settlement is within reach through the implementation of existing agreements between the Israeli and Palestinian sides, including the efforts of the Quartet, aimed at establishing a comprehensive, just and lasting peace. We also welcome the Arab Peace Initiative adopted by the Arab States in Beirut in March 2002. In that regard, we also wish to underscore the importance of establishing a credible and effective third-party monitoring mechanism that would include the participation of all members of the Quartet.

General Assembly resolutions on the peaceful settlement of the question of Palestine have traditionally reaffirmed the rules and principles of international law that are central to the peaceful settlement of the longstanding question of Palestine. It is, therefore, incumbent upon all parties to revive the Middle East peace process. They must demonstrate the necessary courage and leadership to break through the present deadlock, to put an end to the hostilities and to re-engage in a serious political process, as set out in the road map. We further support agreement on a two-State solution and the principle of land for peace, as well as the implementation of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and Assembly resolution ES-10/15 of 20 July 2004.

The international community has a collective role to play in finding a lasting and peaceful solution to the Palestinian question. We must all work together towards the attainment of that goal. Let us work in unison to fulfil the long-desired goal of the Palestinian people for peace, independence and statehood.

The Acting President: We have heard the last speaker in the debate on agenda item 36. I would like to remind members that action on draft resolutions A/59/L.39, as orally corrected, and A/59/L.40 will be taken after action on the draft resolutions under agenda item 37, "Question of Palestine".

Agenda item 37 (*continued*)

Question of Palestine

Draft resolutions (A/59/L.34, A/59/L.35, A/59/L.36 and A/59/L.37)

The Acting President: Members will recall that the General Assembly held the debate on this item at its 61st and 62nd plenary meetings, on 29 and 30 November 2004.

I now give the floor to Ambassador Paul Badji of Senegal to introduce an amendment to draft resolution A/59/L.34.

Mr. Badji (Senegal) (*spoke in French*): On behalf of the sponsors, I would like to propose a small correction to the draft resolution on the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/59/L.34).

In the sixth preambular paragraph, the words

(*spoke in English*)

"in this regard" should be replaced by the words "also its".

(*spoke in French*)

The paragraph should thus read as follows.

(*spoke in English*)

> "Recalling further the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and recalling also its resolution ES-10/15 of 20 July 2004,".

The Acting President: We shall now proceed to consider and take decisions on draft resolutions A/59/L.34, as orally corrected, L.35, L.36 and L.37.

We turn first to draft resolution A/59/L.34, entitled "Committee on the Exercise of the Inalienable Rights of the Palestinian People", as orally corrected. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian

Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

Draft resolution A/59/L.34, as orally corrected, was adopted by 104 votes to 7, with 63 abstentions (resolution 59/28).

The Acting President: We turn next to draft resolution A/59/L.35, entitled "Division for Palestinian Rights of the Secretariat". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu.

Draft resolution A/59/L.35 was adopted by 103 votes to 8, with 64 abstentions (resolution 59/29).

The Acting President: We turn next to draft resolution A/59/L.36, entitled "Special information programme on the question of Palestine of the Department of Public Information of the Secretariat". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon,

Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Australia, Cameroon, Haiti, Papua New Guinea, Samoa, Solomon Islands, Tonga, Uganda, Vanuatu.

Draft resolution A/59/L.36 was adopted by 162 votes to 7, with 9 abstentions (resolution 59/30).

The Acting President: The Assembly will now take a decision on draft resolution A/59/L.37, entitled "Peaceful settlement of the question of Palestine". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Cameroon, Haiti, Honduras, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Uganda, Vanuatu.

Draft resolution A/59/L.37 was adopted by 161 votes to 7, with 10 abstentions (resolution 59/31).

The Acting President: I shall now call on those representatives who wish to speak in explanation of vote on the resolutions just adopted. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Núñez de Odremán (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Our delegation wishes to explain its vote in favour of draft resolution A/59/L.37, entitled "Peaceful settlement of the question of Palestine". The delegation of the Bolivarian Republic of Venezuela voted in favour of the resolution because we believe that the right to self-determination is an inalienable right of all peoples. Therefore, the Palestinian people, whose territory is occupied by Israel, is exercising its right by seeking to build its own State. Not to permit that would constitute a violation of international law and of the Charter of the United Nations and a clear threat to international peace and security.

Along those lines, however, agreeing with the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the occupied Palestinian territory, we want to make clear that we reject any interpretation that would consider the International Court of Justice as a body for the settlement of disputes among States in a specific case without their consent.

Mr. Berry (Canada): Canada voted against draft resolution A/59/L.34 because of serious reservations we have about the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Canada has consistently supported the rights of the Palestinian people — including the right to self-determination and to a Palestinian State — and we will continue to do so until those rights are realized through a negotiated process. However, as we said in our statement yesterday in this Hall, Canada strongly questions the added value of the work of the Committee in the pursuit of that ultimate goal. We believe that the time has come for the General Assembly to assess the effectiveness of that particular body and to consider reassigning resources to the implementation of activities more strategic with regard to the protection and promotion of Palestinian rights and to the achievement of a peaceful settlement.

Canada has the same concerns about the Division for Palestinian Rights, which supports the Committee, although we abstained again this year in the voting on draft resolution A/59/L.35. We will continue to view this resolution from the perspective of consistency with our policy, and we will seriously consider voting against a similar draft resolution next year unless it can be demonstrated that the work of the Division makes a constructive contribution to the peace process.

With regard to draft resolution A/59/L.37, "Peaceful settlement of the question of Palestine", Canada voted in favour, because we welcome fair and action-oriented language reaffirming the obligations of both parties, such as that in operative paragraph 4.

The resolution on the peaceful settlement of conflict, which could be the most important resolution on the Middle East conflict adopted by the General Assembly, should apply fair criticism to and encourage positive action from both parties in a constructive and effective way, consistent with the obligations under the road map. Canada would have welcomed more references to the obligations and responsibilities of the Palestinian Authority. For the record, we would also like to reiterate our previously stated reservations concerning the non-binding status of the advisory opinion of the International Court of Justice.

The Acting President: We have heard the last speaker in explanation of vote after the vote. The General Assembly has thus concluded this stage of its consideration of agenda item 37.

Agenda item 36 (*continued*)

The situation in the Middle East

Draft resolutions A/59/L.39 and A/59/L.40

The Acting President: We shall now proceed to consider draft resolution A/59/L.39, as orally corrected, and draft resolution A/59/L.40.

We turn first to draft resolution A/59/L.39, entitled "Jerusalem", as orally corrected. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil,

Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Costa Rica, Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Cameroon, El Salvador, Fiji, Guatemala, Haiti, Honduras, Kenya, Nauru, Nicaragua, Papua New Guinea, Samoa, Solomon Islands, Tonga, Vanuatu.

Draft resolution A/59/L.39, as orally corrected, was adopted by 155 votes to 7, with 15 abstentions (resolution 59/32).

The Acting President: Draft resolution A/59/L.40 is entitled "The Syrian Golan". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Grenada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany,

Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Nauru, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

Draft resolution A/59/L.40 was adopted by 111 votes to 6, with 60 abstentions (resolution 59/33).

The Acting President: Before giving the floor to representatives who wish to speak in explanation of vote on the resolutions just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Berry (Canada): Canada supports the negotiation of a peaceful solution to all aspects of the Arab-Israeli conflict, including with regard to the Golan Heights, which has been under Israeli occupation since June 1967. We encourage the parties not to miss any opportunity to resume negotiations. However, we abstained on the vote on draft resolution A/59/L.40, in part because it points blame at only one of the parties. The resolution also puts the onus on only one party — Israel — to resume negotiations, when the reality is that confidence-building measures and goodwill gestures are needed from both sides. Moreover, in the interests of efficiency, Canada does not support the introduction of this resolution year after year, given that the Assembly adopts a broadly supported resolution from the Fourth Committee on the same issue every year.

Mr. Van Loosdrecht (Netherlands): I have the honour to speak on behalf of the European Union (EU). The candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro, and the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area, align themselves with this explanation of vote.

I would like to explain the vote of our countries on the draft resolution on the Syrian Golan.

The EU is deeply concerned about the continued deterioration of the situation in the Middle East. The current spiral of violence must cease. There can be no military solution to the Middle East conflict. A just, lasting and comprehensive settlement of the situation in the Middle East, including on the Syrian and Lebanese tracks, must be based on Security Council resolution 242 (1967) — which emphasizes the inadmissibility of the acquisition of territory by force and the need to work for a just and lasting peace in which every State in the region can live in security — and subsequent Council resolutions 338 (1973), 1397 (2002) and 1515 (2003), as well as the Madrid terms of reference, in particular the principle of land for peace, and the implementation of the road map and all existing agreement between the parties. We will continue to work relentlessly with the regional parties, and within the Middle East Quartet, towards that goal.

The European Union also wishes to point out that a final peace settlement will not be complete without the Israel-Syria and Israel-Lebanon aspects being taken into account. Negotiations should resume as soon as possible with the aim of reaching an agreement.

It should be recalled that last week the European Union voted in favour of the draft resolution on the Syrian Golan under agenda item 76, which called on Israel to desist from changing the demographic composition of the occupied Syrian Golan and in particular to desist from the establishment of settlements.

We believe that the draft resolution on the Syrian Golan under the agenda item under consideration today contains geographical references which could undermine the process of bilateral negotiations. For that reason, as in previous years, the European Union abstained in the voting on this draft resolution.

Finally, in the spirit of the rationalization of the agenda of the General Assembly, the European Union would prefer to have only one resolution with this issue before this body.

Mr. Sardenberg (Brazil) (*spoke in Spanish*): I should like to explain the votes of the delegations of Argentina and of Brazil on draft resolution A/59/L.40 on the Syrian Golan, which was recently adopted by the General Assembly.

Argentina and Brazil voted in favour of the draft resolution because we believe that its essential aspect

is linked to the illicit nature of the acquisition of territory by force. Article 2, paragraph 4, of the Charter of the United Nations prohibits the threat or use of force against the territorial integrity of any State. That is an imperative norm of international law.

I should like also to clarify the position of our delegations with regard to operative paragraph 6 of the draft resolution in question. Our vote does not prejudge the content of that paragraph, in particular the reference to the border of 4 June 1967.

Finally, I should like also to reiterate, on behalf of the Governments of Argentina and of Brazil, a call for the resumption of negotiations between Israel and Syria, with a view to finding a definitive solution to the situation in the Syrian Golan, in conformity with Security Council resolutions 242 (1967) and 338 (1973) and with the principle of land for peace.

Mr. Azor (Haiti) (*spoke in French*): As we said last week in the Fourth Committee, the delegation of Haiti remains dedicated to the sacrosanct principle of the self-determination of peoples. Its renews its support for the peace process in the Middle East.

The delegation of Haiti believes, however, that recent political events in the region of the Middle East have given rise to a new set of circumstances — one that is likely to promote a new, dynamic process that could relaunch the peace process in that region. That is why my delegation abstained in the voting on the draft resolution.

The Acting President: We have heard the last speaker in explanation of vote.

I call on the observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): It is my honour to express our great appreciation to the General Assembly and to its members — representing the entire international community — for the adoption, by an overwhelming majority, of these two important resolutions on the question of Palestine and the situation in the Middle East.

These resolutions deal with mechanisms for action within the United Nations in connection with the peaceful settlement of the question of Palestine, including Jerusalem, and of the Syrian Golan. These questions are therefore of the greatest importance not only for Palestine but also for the international community as a whole.

We appreciate the political support and solidarity of the members of the Assembly, in particular given the difficult circumstances that the Palestinian people are now facing.

Allow me to express our heartfelt gratitude to the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and in particular to Ambassador Paul Badji, Chairman of the Committee, as well as to his colleagues, members of the Bureau. I would like also to thank the sponsors of the draft resolutions, the Arab Group and the Non-Aligned Movement, and all of those delegations that voted in favour of them.

Here we would like to express particular gratitude to those delegations that have newly voted in favour of the draft resolutions, thereby joining the overwhelming majority of the international community. That has led to an improvement in the results of the voting.

I should like also to thank the political groups that participated in the discussions and negotiations on these texts, in particular the European Union. On the other hand, we regret the fact that the sole negative voice here was that of Canada, which changed its vote from positive to negative — the sole changeover. With all due respect to the political sovereignty of Canada, we reject its explanation of vote, which we deemed equivocal. That in no way changes the positive general nature of the results we have achieved today.

We believe that the General Assembly today once again has taken a stand based on clear principles. We believe, first of all, that there must be respect for international law and its norms; secondly, that the United Nations must shoulder its permanent responsibilities, namely vis-à-vis the question of Palestine; and, thirdly, that efforts must be made to build a clear international consensus and to achieve unanimity regarding the settlement of the question of Palestine and the establishment of peace in the region. These are important principles, and we insist on respect for them. For our part, we will be working towards that end. We are certain that the members of the Assembly will continue to take such a stand.

Once again, I express, on behalf of the Palestinian people and the Palestinian leadership, our great appreciation and gratitude to the General Assembly.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 36.

Programme of work

The Acting President: Before adjourning this meeting, I should like to remind members that, in addition to the items already scheduled for the afternoon of Thursday, 2 December 2004, as announced in today's *Journal*, the General Assembly will resume consideration of the following agenda items to take action on draft resolutions: agenda item 12, "Report of the Economic and Social Council", to take action on draft resolution A/59/L.27/Rev.1; sub-item (c) of agenda item 39, "Assistance to the Palestinian people", to take action on draft resolution A/59/L.24; and agenda item 55, "Follow-up to the outcome of the Millennium Summit", to take action on draft resolution A/59/L.38.

The meeting rose at 11.25 a.m.